

RESOLUTION NO. 2020-020

AUTHORIZING AND CONSENTING TO TRANSFER AUTHORITY AND RESPONSIBILITY OF PORTIONS OF TWIN BEECH ROAD (COUNTY ROAD 44) AND BISHOP ROAD FROM BALDWIN COUNTY TO THE CITY OF FAIRHOPE

WHEREAS, a certain portion of roadways known as Twin Beech Road (County Road 44), which is approximately 1.00 mile in length from the intersection of Greeno Road to the intersection of County Road 13 and Bishop Road which is approximately 0.25 miles in length from the intersection of Fairhope Avenue to the intersection of Edwards Avenue (hereinafter "Twin Beech (County Road 44)" and "Bishop Road"), are roads or road segments with the majority of the road frontages inside the corporate limits of the City of Fairhope; and

WHEREAS, the City of Fairhope desires to take over and assume from Baldwin County sole and exclusive authority and responsibility to control, manage, supervise, regulate, repair, maintain and improve portions of Twin Beech Road (County Road 44) and Bishop Road which will allow the City of Fairhope to facilitate access and the development of property owned by the City of Fairhope in this area; and

WHEREAS, Baldwin County has found and determined that allowing the City of Fairhope to take over and assume sole and exclusive authority and responsibility to control, manage, supervise, regulate, repair, maintain and improve portions of Twin Beech Road (County Road 44) and Bishop Road is in the best interest of Baldwin County; and

WHEREAS, Baldwin County has the legal authority to carry out the intent of this resolution pursuant to Code of Alabama, Section 11-49-80, and other state laws and constitutional amendments.

NOW, THEREFORE, BE IT RESOLVED by the Baldwin County Commission as follows:

Section 1. That Baldwin County hereby agrees to and consents to the transfer to the City of Fairhope of sole and exclusive authority and responsibility to control, manage, supervise, regulate, repair, maintain and improve the portions of Twin Beech Road (County Road 44) and Bishop Road.

Section 2. That the Chairman of the Baldwin County Commission and other appropriate County officials are hereby authorized to execute and deliver such documents or agreements to the City of Fairhope as are necessary or requested to carry out the intent of this Resolution.

Section 3. Based on the condition and use of Twin Beech Road (County Road 44) and Bishop Road and the request by the City of Fairhope, in accordance with Ala. Code Section 11 -49-80 and 81 (1975), the County and the City of Fairhope agree that the County shall not be required to pay any sum or sums for being relieved of the authority and responsibility to control, manage, supervise, regulate, repair, maintain and improve Twin Beech Road (County Road 44) and Bishop Road.

Section 4. If any part, section or subdivision of this resolution shall be held to be illegal, invalid or unenforceable for any reason, such holding shall not be held or construed to invalidate or impair the remaining provisions of this resolution which shall continue in full force and effect notwithstanding such holding.

Adopted and approved this 19th day November, 2019.

BALDWIN COUNTY COMMISSION

Billie Jo Underwood

BILLIE JO UNDERWOOD, CHAIRMAN

ATTEST:

Wayne Dyess

WAYNE DYESS, COUNTY ADMINISTRATOR

